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60,137-188; 115-3711-U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rhodes
Serial Number: 10/642,855
Filed: August 18, 2003
Art Unit: 3753
Examiner: Hepperle, Stephen M.
Title: Two-Handle Faucet Design With Manifold About Faucet Handles

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL REJECTION

Dear Sir:

Reconsideration of the objection to the drawings and the 35 USC §112 rejections is requested.

The drawings show only a valve plate as a generic part. As known, a handle turns a shaft and this valve plate moves relative to an opening in the elements 32. How such valving would occur is of no moment to the present invention. Several of the prior art references mentioned by the examiner include appropriate valving structure. A worker in this art would recognize how to provide appropriate structure.

Applicant's invention here is that there are passages 40 downstream of the plates, and that the handles are vertically beneath the spout. The present invention provides benefits as set forth in greater detail in the application and in particular the Background and Summary sections.

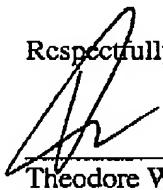
In sum, the 35 USC §112 rejections, and the objections to the drawings, should be withdrawn. The examiner's statement that the recitations to valving in the claims could be withdrawn and all of these objections and rejections would be overcome is not understood. While applicant would certainly consider any amendment that would narrow the issues, the

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valves are not claimed. If the examiner is talking about the function of the "mixing" of the water as set forth in the claims, applicant would certainly consider deleting these limitations if the examiner felt the issues were otherwise resolved.

With regard to the rejection over the art, reconsideration is again requested. It is not applicant's contention that some great engineering challenge would be required to take a device such as shown in the French reference and position it as required in the claims. This is not, however, the required test for rejecting a claim. There is no suggestion to position the French device such that it would meet the claims. All prior art, which had vertically extending handles, have all of their turning portions positioned vertically above the spout. There is no suggestion to modify the French reference, other than after a reading of applicant's disclosure. Simply, this rejection should be withdrawn.

Respectfully submitted,



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Dated: May 15, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on May 15, 2006.



Laura Combs